IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the 14th day of February 2006
Criminal Misc. Bail Application No.22 of 2006
Order on the bail application of accused

CRIMINAL SIDE

Krishnakant Anand
S/o Sri Panna Lal
Senior Engineer, T.H.H.C.
Kotwshwar, Tehri Garhwal ……..Applicant

Versus

State of Uttaranchal ……..Opposite Party

Arising out of case crime No.2 of 2005
U/s 376, 342, 323, 504, 506 I.P.C.
Patwari Circle Pokhri
Disrtict – Tehri Garhwal

Hon'ble J.C.S.Rawat, J.

Heard Sri S. K. Mandal learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. It was contended on behalf of the applicant that the statement of the victim recorded under section 164 Cr.P.C. and F.I.R. lodged by the victim are inconsistent with each other. It was further contended that the victim remained with the applicant even after the applicant has tried to commit rape upon her. She should have left the house of the applicant immediately. She further chose to live them. She had sufficient time to leave the house of the applicant. It was also contended that the victim is aged about 18 years and she was the consenting party. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 14.02.2006

LSR